
By: **Delegates McIntosh and Marriott**
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Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City - Charles Village Community Benefits District -**
3 **Continuation of Authority**

4 FOR the purpose of declaring that the intent of the General Assembly is to affirm that
5 the Charles Village Community Benefits District has been in continuous effect
6 since a certain year and ~~will remain in effect unless the Mayor and City Council~~
7 ~~of Baltimore expressly terminate the continuing existence of the District that~~
8 the Mayor and City Council of Baltimore City had the authority in 2002 to
9 renew and extend the existence of the Charles Village Community Benefits
10 District through June 30, 2003; altering the date on which the Mayor and City
11 Council of Baltimore City shall make a certain review; ratifying and confirming
12 certain acts of the Mayor and City Council of Baltimore relating to the continued
13 and continuous existence of community benefits districts and authorities;
14 providing for the application of this Act; and generally relating to the Charles
15 Village Community Benefits District.

16 BY repealing and reenacting, with amendments,
17 The Charter of Baltimore City
18 Article II - General Powers
19 Section (63)(h)(1)(i)
20 (1996 Edition and 2000 Supplement, as amended)
21 (As enacted by Chapter 732 of the Acts of the General Assembly of 1994, as
22 amended by Chapter 655 of the Acts of the General Assembly of 1997, as
23 amended by Chapter 89 of the Acts of the General Assembly of 2000)

1

Preamble

2 WHEREAS, Chapter 732 of the Acts of the General Assembly of 1994 authorized
3 the Mayor and City Council of Baltimore to establish, by ordinance, community
4 benefits district management authorities, including the Charles Village Community
5 Benefits District, to provide certain services to the ~~business interests and residents of~~
6 ~~the Charles Village Community property owners, residents, and business owners~~
7 within the District's boundaries; and

8 WHEREAS, Chapter 732 of the Acts of 1994, by adding to the Baltimore City
9 Charter Article II - General Powers, Section 63(g), required the Mayor and City
10 Council of Baltimore to review the effectiveness and desirability of continuing the
11 existence of the District every 4 years from the enactment of the ordinance and
12 provided that the Act take effect June 1, 1994, and terminate at the end of May 31,
13 1997, with no further action required by the General Assembly; and

14 WHEREAS, The Mayor and City Council of Baltimore did establish the Charles
15 Village Community Benefits District Authority by Ordinance No. 414 (Council Bill
16 No. 891), effective July 1, 1994; and

17 WHEREAS, Chapter 655 of the Acts of the General Assembly of 1997 ~~required~~
18 amended Chapter 732 of the Acts of the General Assembly of 1994 to require the
19 General Assembly to review and determine the desirability of continuing the
20 existence of each community benefit district, including the Charles Village
21 Community Benefits District, every 4 years beginning with the regular legislative
22 session of 2000 and extended the termination date of Chapter 732 of the Acts of 1994
23 until the end of May 31, 2000; and

24 WHEREAS, Chapter 89 of the Acts of the General Assembly of 2000 amended
25 the provision requiring the General Assembly to review and determine the
26 desirability of continuing the existence of the Charles Village Community Benefits
27 District to require the Mayor and City Council to review and determine the
28 desirability of continuing the existence of the Charles Village Community Benefits
29 District every 4 years beginning with the first meeting of the Mayor and City Council
30 in December 2002; and

31 WHEREAS, Pursuant to the power contained in Baltimore City Charter Article
32 II - General Powers, Section 63(g), the Mayor and City Council did renew and
33 continue the Charles Village Community Benefits District Management Authority for
34 4 additional years by Resolution No. 98-10 (Council Bill 97-589), effective July 1,
35 1998; and

36 WHEREAS, Chapter 89 of the Acts of 2000 repealed the termination date of
37 Chapter 732 of the Acts of 1994, as amended by Chapter 655 of the Acts of 1997,
38 thereby effectively continuing the authority for the District since 1994; and

39 ~~WHEREAS, The Office of Counsel to the General Assembly concluded in a letter~~
40 ~~of advice to Delegate McIntosh dated February 3, 2003, that the Charles Village~~
41 ~~Community Benefits District has been in continuous effect since June 1, 1994; now,~~
42 ~~therefore,~~

1 WHEREAS, In passing Chapter 89 of the Acts of 2000, the General Assembly
2 intended the Charles Village Community Benefits District to continue in existence
3 until June 30, 2002 unless renewed and continued for 4 additional years by the Mayor
4 and City Council but the General Assembly did not intend to interrupt the 4 year
5 review cycle that had existed since 1994; and

6 WHEREAS, Pursuant to the power still contained in Baltimore City Charter
7 Article II - General Powers, Section 63(g), the Mayor and City Council did renew and
8 continue the Charles Village Community Benefits District Management Authority
9 effective July 1, 2002 by Resolution No. 02-28 (Council Bill 02-0760); but, because of
10 the conflict between Section 63(g) and Chapter 89's revision to Section 63(h)(1)(i), the
11 Mayor and City Council renewed and continued the Charles Village Community
12 Benefits District for only 1 year; and

13 WHEREAS, The Attorney General's office advised in a letter of February 27,
14 2003, that at no time has there been a lapse or hiatus in the authority conferred by
15 State law on the Mayor and City Council to continue the existence of community
16 benefits districts, including the Charles Village Community Benefits District; and

17 WHEREAS, The Mayor and City Council have lawfully exercised the authority
18 conferred by State law to continue the existence of community benefits districts,
19 including the Charles Village Community Benefits District; and

20 WHEREAS, The General Assembly wishes to retroactively clarify the authority
21 conferred on the Mayor and City Council to continue community benefits districts,
22 including the Charles Village Community Benefits District, and to ratify and confirm
23 the acts of the Mayor and City Council in continuing the existence of such districts,
24 including the Charles Village Community Benefits District; now, therefore,

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **The Charter of Baltimore City**

28 Article II - General Powers

29 The Mayor and City Council of Baltimore shall have full power and authority to
30 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
31 Maryland or by any Public General or Public Local Laws of the State of Maryland;
32 and in particular, without limitation upon the foregoing, shall have power by
33 ordinance, or such other method as may be provided for in its Charter, subject to the
34 provisions of said Constitution and Public General Laws:

35 (63)

36 (h) (1) The Mayor and City Council shall review and determine the
37 desirability of continuing the existence of each community benefits district
38 established under this section every 4 years:

1 (i) beginning with the first meeting of the Mayor and City Council
2 in December [2002] 2001 for the Charles Village Community Benefits District;

3 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF~~
4 ~~MARYLAND 2. AND BE IT FURTHER ENACTED,~~ That it is the intent of the
5 General Assembly of Maryland that this Act affirms that the Charles Village
6 Community Benefits District has been in continuous effect since 1994 and will remain
7 in effect unless the Mayor and City Council of Baltimore expressly terminate the
8 continuing existence of the District.

9 ~~SECTION 2. AND BE IT FURTHER ENACTED,~~ That this Act shall take effect
10 ~~October 1, 2003.~~

11 ~~SECTION 3. AND BE IT FURTHER ENACTED,~~ That all acts of the Mayor and
12 City Council of Baltimore relating to the continued and continuous existence of
13 community benefits districts and authorities, including the Charles Village
14 Community Benefits District, are hereby ratified and confirmed.

15 ~~SECTION 4. AND BE IT FURTHER ENACTED,~~ This Act shall be construed to
16 apply retroactively and shall be applied to and interpreted to affect the authority
17 conferred on the Mayor and City Council to continue community benefits districts,
18 including the Charles Village Community Benefits District on or after December 1,
19 2001.

20 ~~SECTION 5. AND BE IT FURTHER ENACTED,~~ That this Act shall take effect
21 June 1, 2003.